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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,328	12/04/2001	Preeti Lal	PF-0709 USN	6996

7590
Incyte Genomics Inc
Legal Department
3160 Porter Drive
Palo Alto, CA 95304

06/04/2003

EXAMINER

CARLSON, KAREN C

ART UNIT	PAPER NUMBER
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1653

DATE MAILED: 06/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application N .

10/009,328

Applicant(s)

LAL ET AL.

Examin r

Karen Cochrane Carlson,
Ph.D.

Art Unit

1653

All participants (applicant, applicant's representative, PTO personnel):

(1) Karen Cochrane Carlson, Ph.D.(3) Diana Hamlet-Cox.(2) Christopher Low.

(4) _____.

Date of Interview: 03 June 2003.Type: a) ☒ Telephonic b) ☐ Video Conferencec) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____.

Claim(s) discussed: pending.Identification of prior art discussed: N/A.Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

KAREN COCHRANE CARLSON, PH.D
PRIMARY EXAMINERExaminer Note: You must sign this form unless it is an
Attachment to a signed Office action._____
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: DHC requested an interview to discuss the new restriction requirement mailed 5/13/03 (Paper #9) DHC voiced concerns that all proteins were not treated as "first products", meaning joined with the encoding nucleic acid, methods of making, and methods of using the protein. DHC further noted that they had elected SEQ ID NO: 41 and that the invention noted as Group 1 which includes the protein drawn to SEQ ID NO: 1, nucleic acid, methods of making and methods of using. Thus, DHC voiced concerns that Incyte was not being equitably treated. KCC stated that since their response to the first restriction clearly urged that national stage restriction practice had not been applied to the claims in the application filed under 371 and thus the restriction was not fair, KCC re-restricted using national stage restriction practice and that no intent was made to vary from this practice, that is, such that previously elected SEQ ID NO: 41 would be grouped with its encoding nucleic acid, methods of making and methods of using but rather the first product SEQ ID NO: 1 treated in this manner in accordance to the practice. DHC noted that Incyte had searched and provided art drawn to SEQ ID NO: 41, which she believes to be free of the prior art. KCC agreed to rejoin the protein having SEQ ID NO: 41, its encoding nucleic acid sequence SEQ ID NO: 84, methods of making and methods of using SEQ ID NO: 41 in the fashion of current restricted Group 1 drawn to SEQ ID NO: 1. However, other proteins will not enjoy this regrouping because the national stage restriction in Paper #9 appears to be correct and inventions can be rejoined at the discretion of the examiner in charge of examining those products. DHC also requested rejoinder of the antibodies against SEQ ID NO: 41 and KCC declined this request at this time. Therefore, Group 37, Group 75, and Group 304, comprising Claims 1-7, 9, 11, 16, 17, 19, 22, and 26, drawn to polypeptide having SEQ ID NO: 41, encoding nucleic acid, methods of making, and methods of using have been rejoined..